

IN THE DRAWINGS

Submitted herewith are replacement sheets for **Figures 1A, 1B** and **3**. Approval is requested.

REMARKS

In response to the above-noted Office Action, Applicant has submitted replacement sheets for **Figures 1A, 1B and 3** addressing the issues noted by the Examiner at page 2 of the Action.

Accordingly, reconsideration and withdrawal of the objection to the drawings is requested.

Claims 1-8 are objected to due to informalities as noted at page 2 of the Action. In response, Applicant has amended Claims 1 and 8 as requested by the Examiner.

Claims 1-8 are rejected under 35 USC 101 because the claimed invention lacks patentable utility. The Examiner notes that Claims 1 and 8 disclose a method for adaptively allocating resources in a communication system. In order for a method to have patentable utility, it must include a practical application that produces a useful, concrete and tangible result. The Examiner further notes, while the claims recite the selection of a modulation method, the claims do not recite that the selected modulation method is implemented to provide any tangible result, and thus the claims are considered to lack utility. In response, Applicant has amended Claims 1 and 8 to clarify the claims and to set forth that the selected modulation method is implemented to provide a tangible result, i.e., transmitting the modulated data. Approval is respectfully requested.

Applicant submits that all claims pending for examination, namely Claims 1-8 are now in condition for allowance, which early Action is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

4/13/07

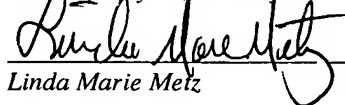
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 25, 2004 by


Linda Marie Metz

4/13/07
Dated: April 13, 2007